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Attorney for Defendant
VIRAB TOROSYAN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No.: 2:16-CR-0063-APG-PAL
)	
Plaintiff,)	
)	<u>STIPULATION FOR EXTENSIONS FOR</u>
)	<u>FILING OF MOTIONS, RESPONSES &</u>
)	<u>OPTIONAL REPLIES</u>
vs.)	
)	
VIRAB TOROSYAN,)	[THIRD REQUEST AS TO MOTIONS]
)	
)	
Defendant.)	
_____)	

CERTIFICATION: This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL BODGEN, ESQ., United States Attorney, by and through his Assistant United States Attorney, KIMBERLY FRAYN, Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant VIRAB TOROSYAN (hereinafter referred to as Defendant); and respectfully STIPULATE for a further extension of the time for the filing of Pre-Trial Motions, Responses to Pre-Trial Motions, and Optional Replies as stated below.

This Stipulation is entered into for the following reasons:

1. In January 2016 and February 2016, defendant was charged by and arraigned on a Federal Criminal Complaint. Later, defendant

1 was charged on multiple counts in an Indictment issued by the Federal
2 Grand Jury.

3 2. The defendant pled Not Guilty and the trial is set for
4 October 17, 2016.

5 3. Defendant is housed at the Nevada Southern Detention
6 Center in Pahrump, Nevada.

7 4. The defendant speaks Armenian. He only speaks broken
8 English. Significant reports have been translated into the Armenian
9 dialect which is understood by defendant. This important translation
10 process has taken longer than expected.

11 5. Government and defense counsel Green have exchanged
12 e-mail transmissions and telephone calls regarding this case. The
13 discovery includes and will likely include thousands of entries of
14 sensitive material subject to a Protective Order which has been
15 signed by the United States Magistrate Judge. The discovery released
16 to date is comprised of nearly 4000 pages of documentary discovery,
17 photographs, DVDs, law enforcement reports regarding a multi-agency
18 investigation of the defendant and/or others in the States of
19 California and Nevada, and/or elsewhere.

20 6. Due to the massive amount of discovery, defense counsel
21 still needs additional time within which to review the files and
22 discovery in order to evaluate any potential Pre-Trial Motions and/or
23 Notices of Defense.

24 7. Defendant has consulted with defense counsel about and has
25 agreed to an extension of time for the filing of Pre-Trial Motions,
26 and/or Notices of Defense.

27 8. Without this requested extension of time, Government and
28 defense counsel have not had, nor will they have, sufficient time and

1 the opportunity within which to prepare Pre-Trial Motions, Responses,
2 and/or Notices of Defense, given the necessity to fully review the
3 extensive files.

4 9. It would be unrealistic to expect the Government and
5 defense counsel to be able to effectively and thoroughly research and
6 prepare any potential Pre-Trial motions, Responses and Optional Reply
7 briefs, and/or Notices of Defense.

8 10. The Stipulation requests an extension of time within which
9 the Government and the defense may file and serve Pre-Trial Motions,
10 Responses, Optional Replies, and/or Notices of Defense as follows:

11 **OPENING MOTIONS: SEPTEMBER 21, 2016 at 4:00 p.m.**

12 **RESPONSES: OCTOBER 21, 2016 at 4:00 p.m.**

13 **OPTIONAL REPLIES: OCTOBER 31, 2016 at 4:00 p.m.**

14 11. The requested extensions of time will affect the current
15 trial date and a separate Stipulation for Continuance of the Trial
16 Date is being submitted to the Court in accordance with the Local
17 Rules.

18 12. Additionally, denial of the request for an extension of
19 time for the filing of Pre-trial Motions, Responses, and/or Notices
20 of Defense could result in a miscarriage of justice.

21 13. For all of the above-stated reasons, the ends of justice
22 would best be served by a granting this **THIRD** request for an
23 extension of time for the filing of Pre-Trial Motions, Responses,
24 Notices of Defense, and/or Optional Replies.

25 14. The extensions of time sought by the Stipulation are
26 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
27 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
28 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

1 15. This is the **THIRD** request for an extension of time for the
2 filing of pre-trial motions/ notices of defense, responses thereto,
3 and/or optional replies.

4 DATED this 1st day of August, 2016.

5 LAW OFFICES OF DONALD J. GREEN

DANIEL BOGDEN, ESQ.
UNITED STATES ATTORNEY

6 By /s/ Donald J. Green

By /s/ Kimberly Frayn
KIMBERLY FRAYN, ESQ.
Assistant U.S. Attorney
501 Las Vegas Blvd., #1100
Las Vegas, NV 89101
GOVERNMENT COUNSEL

7 DONALD J. GREEN, ESQ.
4760 S. Pecos Rd. #103
8 Las Vegas, Nevada 89121
Attorney for defendant
9 VIRAB TOROSYAN

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) **Case No.: 2:16-CR-0063-APG-PAL**
)
)
 Plaintiff,) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW &**
 vs.) **ORDER GRANTING EXTENSION OF**
) **TIME ON PRE-TRIAL MOTIONS,**
) **RESPONSES AND OPTIONAL REPLIES**
 VIRAB TOROSYAN,)
)
)
 Defendant,)
)

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby finds:

1. In January 2016 and February 2016, defendant was charged by and arraigned on a Federal Criminal Complaint. Later, defendant was charged on multiple counts in an Indictment issued by the Federal Grand Jury.

2. The defendant has pled Not Guilty and the trial is set for October 17, 2016.

3. Defendant is housed at the Nevada Southern Detention Center in Pahrump, Nevada.

4. The defendant speaks Armenian. He only speaks broken English. Significant reports have been translated into the Armenian dialect which is understood by defendant. The defense informs the Court that this important translation process has taken longer than expected.

5. Government and defense counsel Green have exchanged e-mail transmissions and telephone calls regarding this case. The discovery includes and will likely include thousands of entries of

1 sensitive material subject to a Protective Order which has been
2 signed by the United States Magistrate Judge. The discovery released
3 to date is comprised of nearly 4000 pages of documentary discovery,
4 photographs, DVDs, law enforcement reports regarding a multi-agency
5 investigation of the defendant and/or others in the States of
6 California and Nevada, and/or elsewhere.

7 6. Due to the massive amount of discovery, defense counsel
8 still needs additional time within which to review the files and
9 discovery in order to evaluate any potential Pre-Trial Motions and/or
10 Notices of Defense.

11 7. Defendant has consulted with defense counsel about and has
12 agreed to an extension of time for the filing of Pre-Trial Motions,
13 and/or Notices of Defense.

14 8. Without this requested extension of time, Government and
15 defense counsel have not had, nor will they have, sufficient time and
16 the opportunity within which to prepare Pre-Trial Motions, Responses,
17 and/or Notices of Defense, given the necessity to fully review the
18 extensive files.

19 9. It would be unrealistic to expect the Government and
20 defense counsel to be able to effectively and thoroughly research and
21 prepare any potential Pre-Trial motions, Responses and Optional Reply
22 briefs, and/or Notices of Defense.

23 10. The Stipulation requests an extension of time within which
24 the Government and the defense may file and serve Pre-Trial Motions,
25 Responses, Optional Replies, and/or Notices of Defense as follows:

26 **OPENING MOTIONS: SEPTEMBER 21, 2016 at 4:00 p.m.**

27 **RESPONSES: OCTOBER 21, 2016 at 4:00 p.m.**

28 **OPTIONAL REPLIES: OCTOBER 31, 2016 at 4:00 p.m.**

1 11. The requested extension of time will affect the currently
2 scheduled trial date but the parties have informed the Court that a
3 separate Stipulation to Continue the Trial is being submitted.

4 12. Additionally, denial of the request for an extension of
5 time for the filing of Pre-trial Motions, Responses, and/or Notices
6 of Defense could result in a miscarriage of justice.

7 13. For all of the above-stated reasons, the ends of justice
8 would best be served by a granting this **THIRD** request for an
9 extension of time for the filing of Pre-Trial Motions, Responses,
10 Notices of Defense, and/or Optional Replies.

11 14. The extensions of time sought by the Stipulation are
12 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
13 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
14 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

15 15. This is the **THIRD** request for an extension of time for the
16 filing of pre-trial motions, notices of defense and responses
17 thereto, and/or optional replies.

18
19 **SPEEDY TRIAL ACT CONSIDERATIONS**

20 16. Additionally, denial of the request for an extension of
21 time for the filing of Pre-trial Motions/Notices of Defense and/or
22 responses or answers thereto could result in a miscarriage of
23 justice.

24 17. For all of the above-stated reasons, the ends of justice
25 would best be served by a granting this **THIRD** request for an
26 extension of time for the filing of Pre-Trial Motions, Notices of
27 defense, Responses, and/or optional replies.

1 18. The extensions of time sought by the Stipulation are
2 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
3 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
4 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

5 19. The requested extension is necessary for the Government and
6 defense to within which to be able to effectively and thoroughly
7 prepare Pre-trial Motions, Notices of Defense, Responses, and/or
8 optional replies, taking into account the exercise of due diligence.

9 20. The defendant is in custody. Defense counsel has informed
10 the defendants of the necessity for an extension of time for the
11 filing of pre-trial court papers.

12 21. The Court is informed by defense counsel that defendant
13 consents to a continuance of the trial and an extension of time for
14 the filing of Pre-Trial motions, Notices of Defense, Responses,
15 and/or Optional replies as set forth above.

16 22. The denial of this request for an extension of time would
17 deny defendant the opportunity to have continuity of counsel, taking
18 into account the exercise of due diligence.

19 23. Additionally, denial of the request for an extension of
20 time could result in a miscarriage of justice.

21 24. For all of the above-stated reasons, the ends of justice
22 would best be served by a granting this **THIRD** request for an
23 extension for the filing of Pre-Trial Motions, Notices of Defense,
24 Responses, and/or Optional Replies.

25 25. The extensions of time sought by the Stipulation are
26 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
27 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
28 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

1 26. This is the **THIRD** request for an extension of time for the
2 filing of Pre-Trial Motions, Responses and Optional Replies thereto,
3 and/or Notices of Defense and any responses or answers.

4
5 **CONCLUSIONS OF LAW**

6 Denial of this request for a continuance of the trial could
7 result in a miscarriage of justice, and the Court hereby concludes:

8 1. The extensions of time sought herein are excludable under
9 the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(a), when considering the
10 factors under 18 U.S.C. §§ 3161(h)(1), 3161(h)(8)(B)(I),
11 3161(h)(B)(iv), and 3161(h)(1)(f).

12 2. The ends of justice served by granting this **THIRD** request
13 for an extension of time for the filing of Pre-Trial Motions, Notices
14 of Defense, Responses, and/or Optional Replies outweigh the best
15 interests of the public and the defendant, because the failure to
16 grant said extension would deny Government and defense counsel
17 adequate time to research and prepare potential Pre-Trial Motions
18 and/or responses thereto, including any Notices of Defense and those
19 accompanying responses or answers, taking into account the exercise
20 of due diligence, and would deny the government and defendant the
21 opportunity to have continuity of counsel, taking into account the
22 exercise of due diligence.

23 3. Denial of this request for an extension of time for the
24 filing of Pre-Trial Motions, and Responses and Optional, and/or
25 Notices of Defense and/or any accompanying responses or answers
26 thereto would deny the parties an opportunity for effective pre-trial
27 and trial preparation, taking into account the exercise of due
28 diligence.

4. Additionally, denial of these requests could result in a miscarriage of justice.

5. The additional time which is requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A), considering the factors under 18 U.S.C. §§ 3161 (h)(1) , 3161(h)(8)(B)(I), 3161(h)(8)(B)(iv), and 3161 (h) (1) (f).

6. The defendant has been informed of the necessity for and has consented to this Stipulation for a **THIRD** extension of time for the filing of Pre-Trial Motions, Notices of Defense, Responses, and/or Optional Replies and the defendant consents thereto.

7. This is the **THIRD** request for an extension of time for the filing of Pre-Trial Motions, Responses and Optional Replies thereto, and/or Notices of Defense and any responses or answers.

ORDER

IT IS FURTHER ORDERED that the parties may have up to and including the following dates for the filing of Pre-Trial Motions and Responses and Optional Replies and/or Notices of Defense and any accompanying responses or answers thereto.

OPENING MOTIONS: SEPTEMBER 21, 2016 at 4:00 p.m.

RESPONSES: OCTOBER 21, 2016 at 4:00 p.m.


OPTIONAL REPLIES: OCTOBER 31, 2016 at 4:00 p.m.

IT IS FURTHER ORDERED that the parties shall be available at the Court's convenience for a hearing and/or telephone conference call in the event that the Court requires further clarification of any issue regarding this extension of time for the filing of Pre-

1 Trial Motions, Notice of Defense, Responses, and/or Optional Replies
2 and/or the status of any potential pre-trial disposition of this
3 case.

4 **IT IS FURTHER ORDERED** that any further requests for extensions
5 of time shall be considered only upon a showing of GOOD CAUSE and in
6 consideration of the convenience of the Court, pursuant to the Speedy
7 Trial Act and in conformance with Local General Order 2007-4.

8 DATED THIS 3rd DAY OF AUGUST, 2016.
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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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